

§§ 767.203–767.250 [Reserved]

## Subpart F—Exception Authority

### § 767.251 Agency exception authority.

On an individual case basis, the Agency may consider granting an exception to any regulatory requirement or policy of this part if:

(a) The exception is not inconsistent with the authorizing statute or other applicable law; and

(b) The Agency's financial interest would be adversely affected by acting in accordance with published regulations or policies and granting the exception would reduce or eliminate the adverse effect upon the its financial interest.

## PARTS 768–769 [RESERVED]

## PART 770—INDIAN TRIBAL LAND ACQUISITION LOANS

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AUTHORITY: 5 U.S.C. 301, 25 U.S.C. 488.

SOURCE: 66 FR 1567, Jan. 9, 2001, unless otherwise noted.

### § 770.1 Purpose.

This part contains the Agency's policies and procedures for making and servicing loans to assist a Native American tribe or tribal corporation with the acquisition of land interests within the tribal reservation or Alaskan community.

### § 770.2 Abbreviations and definitions.

#### (a) Abbreviations.

*FSA* Farm Service Agency, an Agency of the United States Department of Agriculture, including its personnel and any successor Agency.

*ITLAP* Indian Tribal Land Acquisition Program.

*USPAP* Uniform Standards of Professional Appraisal Practice.

#### (b) Definitions.

*Administrator* is the head of the Farm Service Agency.

*Agency* is Farm Service Agency (FSA).

*Appraisal* is an appraisal for the purposes of determining the market value of land (less value of any existing improvements that pass with the land) that meets the requirements of part 761 of this chapter.

*Applicant* is a Native American tribe or tribal corporation established pursuant to the Indian Reorganization Act seeking a loan under this part.

*Loan funds* refers to money loaned under this part.

*Native American tribe* is:

(1) An Indian tribe recognized by the Department of the Interior; or

(2) A community in Alaska incorporated by the Department of the Interior pursuant to the Indian Reorganization Act.

*Rental value* for the purpose of rental value write-downs, equals the average actual rental proceeds received from the lease of land acquired under ITLAP. If there are no rental proceeds, then rental value will be based on market data according to § 770.10(e)(4).

*Reservation* is lands or interests in land within:

(1) The Native American tribe's reservation as determined by the Department of the Interior; or

(2) A community in Alaska incorporated by the Department of the Interior pursuant to the Indian Reorganization Act.

*Reserve* is an account established for loans approved in accordance with regulations in effect prior to February 8, 2001 which required that an amount equal to 10 percent of the annual payment be set aside each year until at least one full payment is available.

*Tribal corporation* is a corporation established pursuant to the Indian Reorganization Act.

[66 FR 1567, Jan. 9, 2001, as amended at 70 FR 7167, Feb. 11, 2005; 72 FR 51990, Sept. 12, 2007]

### § 770.3 Eligibility requirements.

An applicant must:

(a) Submit a completed Agency application form;